

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONALD SCHALLER,	)	CASE NO. 8:06CV276
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
McDERMOTT & MILLER, P.C.)		
EMPLOYEES PENSION PLAN; )		
McDERMOTT & MILLER, P.C.; )		
BRADLEY L. FEGLEY, Administrator )		ORDER VACATING JUDGMENT
and Trustee; MICHAEL A. WALENZ, )		
Administrator and Trustee; THOMAS )		
B. KRUGER, Administrator and )		
Trustee; THOMAS G. KRUGER, )		
Administrator and Trustee; RUSSELL )		
H. LOEWENSTEIN, Administrator and )		
Trustee; and DAVID J. FAIMON, )		
Administrator and Trustee, )		
	)	
Defendants.	)	

This matter is before the Court on the parties' joint oral motion to vacate the judgment and to grant the Plaintiff 30 days within which to satisfy the condition set forth in the Offer of Judgment. The Court finds that the motion should be granted.

IT IS ORDERED:

1. The judgment entered on July 17, 2007, at Filing No. 42, is vacated;
2. The Defendants' offer of judgment and the Plaintiff's acceptance of the offer, which are contained in Filing No. 41, are approved;
3. The Plaintiff shall satisfy the condition described in the Offer of Judgment on or before August 17, 2007;
4. The Defendants shall file a notice of satisfaction, informing the Court that the Plaintiff satisfied the condition described in the Offer of Judgment, within one week after the condition is satisfied; and

5. A separate judgment shall be filed thereafter.

DATED this 17<sup>th</sup> day of July, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge